

**Department of Defense (DoD)**  
**Civilian Personnel Management Service (CPMS)**  
**Field Advisory Services - *FAS***  
**Classification Appeal Decision**

<b>DoD Decision:</b>	<b>Contract Administrator, GS-1102-12</b>
<b>Initial classification:</b>	Contract Administrator, GS-1102-12
<b>Organization:</b>	Defense Logistics Agency Defense Contract Management Command Defense Contract Management District Defense Contract Management <i>Area</i> Operations Group
<b>Date:</b>	November 12, 1996

**INTRODUCTION**

The appellant is assigned to the Defense Logistics Agency (DLA), Defense Contracts Management Command (DCMC), Defense Contract Management District, Defense Contract Management Region, Operations Group, Xxxxx Team. The appellant's position is presently classified as Contract Administrator, GS-1102-12. The appellant contends that the present classification of his position fails to properly credit the level and degree of knowledge required to carry out his contracting assignments; the extent to which he plans and carries out his work free of supervisory oversight; and the effect that his work has on Government contractors and other contracting activities in the Defense Contract Management Command. He was appointed as a temporary Divisional Administrative Contracting Officer (DACO) in 1991. He concurs with the position title and occupational series to which his position has been allocated, but contends that the correct grade of his position is GS-13.

**SOURCES OF INFORMATION**

Our determination is based on the written record submitted by the appellant and the Human Resource Office and information obtained in telephone interviews with the appellant, his supervisor, and the servicing personnelist.

## **POSITION INFORMATION**

DCMC *Area* is supervised by a Navy Captain (0-6). The Operations Group is headed by a GS-1101-14 and reports to DCMC *Area*. The Operations Group consists of four multi-functional, Process Oriented Contract Administration Services (PROCAS) teams. Each team has about 18 to 28 multi-functional personnel assigned, with a team chief (supervisor) GS-1101-13. Each team has one or two Administrative Contracting Officers (his team has two ACO's) and various other specialties, e.g., engineers, quality assurance specialists, contract administrators, price analysts, etc. The appellant is assigned to the *Xxxxx* Team which has 18 members. The organization conducts delegated contract administration activities to support Government contracts with private industry. The appellant, effective 9 Oct 91, was assigned on a temporary basis as Divisional Administrative Contracting Officer. The appellant is a warranted Administrative Contracting Officer. The CACO is located in *City, State*, and serves as CACO for *XXXXX* Corporation, *YYYYY* Corporation, and *ZZZZZ* Industries.

The appellant believes the Benchmark description, GS-1102-13-02, is very close to what he does. The position description is nearly an exact copy of the benchmark. Responsibilities of the position include the full range of contract administration to include but not limited to the following: conduct postaward conferences; assure timely submission of required reports; determine allowability of costs and approve/disapprove contractor's request for payments; perform cost/price analysis on proposals that involve contract changes; negotiate contract modifications, terms and costs of changes, forward pricing proposals, overhead rates; determine contractor compliance with Cost Accounting Standards and Disclosure Statements; and close out contracts, assuring delivery of the contract end items and inclusion of final reports and clearances.

## **STANDARDS REFERENCED**

Contracting Series, GS-1102, December 1983.

## **SERIES AND TITLE DETERMINATION**

The appellant has not contested the classification of the position as a Contract Administrator, GS-1102. The position requires a specialized knowledge of postaward contracting procedures to oversee or ensure compliance with the terms of contracts, to determine the reasonableness of, and to negotiate claims, to resolve disputes and other problems concerning obligations of either the Government or the contractor, and to negotiate contract modifications. The work requires knowledge of the legislation, regulations, and methods used in contracting as well as knowledge of business and industry practices, cost factors, and

requirement characteristics. We concur with the title and series.

The Standard notes further that positions in the series that have delegated signatory authority, as does this position, are designated as Contracting Officers. This is not a classification title; it is a title to signify informally a level of authority that may be held by Contract Administrators and others within the occupational series. Other frequently used organizational titles are: Administrative Contracting Officer (ACO), Division Administrative Contracting Officer (DACO), Corporate Administrative Contracting Officer (CACO), and Systems Administrative Contracting Officer (SACO).

### **GRADE LEVEL DETERMINATION**

The classification standard for the GS-1102 contracting series is written in the Factor Evaluation System (FES) format. This system consists of nine evaluation factors. A point value is assigned to each factor based on a comparison of the position's duties with the factor-level descriptions in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position factor to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description in the standard, the point value for the next lower factor level and the corresponding point value must be assigned, unless the deficiency is balanced by an equally important aspect which meets a higher level. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

The appellant disagrees with the civilian personnel office's evaluation of Factors 1, 2, and 5 but finds no fault in the evaluation of the remaining factors. Therefore, we will not discuss why we agree that those factors have been applied correctly. Following is our analysis of the contested factors.

#### **Factor 1, Knowledge Required by the Position**

*This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts, and the nature and extent of the skills needed to apply this knowledge. To be used as a basis for selecting a level under this factor, a knowledge must be required and applied.*

The servicing personnel office credited this factor at Level 1-7. The appellant believes Level 1-8 is appropriate since he is performing DACO duties, the majority of the contracts are cost type contracts, they are complex, and most are multi-year procurements.

Level 1-7 requires knowledge of a wide variety of contracting methods and contract types to plan and carry out preaward and/or postaward procurement actions/ or,

In-depth knowledge of a specialized area to analyze difficult contracting issues and identify alternative courses of action, modify standard contracting procedures and terms to satisfy specialized requirements, and solve a variety of contracting problems, including those requiring significant departures from previous approaches. And,

Familiarity with business practices and market conditions applicable to program and technical requirements sufficient to evaluate bid responsiveness, contractor responsibility, and/or contractor performance.

The appellant states the *XXXXX* Team monitors approximately 649 contracts - total monetary value of approximately 795 million. They deal with 108 different companies. *XXXXX* Corporation which is one the 108 has approximately 300 contracts. He has two contract administrators assigned to assist him. The appellant provided examples of major programs he is responsible for.

SEA SPARROW - is a missile system that has been in the inventory for approximately 20 years - used by the Navy and NATO. The contract was awarded over 10 years ago (appellant has been assigned to this organization since 1987 and contract was in effect then) for about 30 million dollars. Current efforts under the contract to support the system are: repair and maintenance of the system and spares acquisition as it is configured; upgrade the system configuration from analog to digital technology; upgrade targeting to a low light level television system for the missile.

GEOSAT - a complex and may be a long term satellite program. This geophysical satellite program was awarded in 1992 for about 51 million dollars - presently due to cost overruns it is funded at 65.9 million dollars. Contract is to construct a geophysical satellite with options for additional ones. *XXXXX* Corporation is the prime contractor. The Government has an engineer at the plant who serves as the program integrator.

Hubble Space Telescope Program - DCMC *Area* provides support to the NASA Program through a series of separate contracts. Contracts for the Space Telescope Imaging Spectrograph (STIS) and for the Near-Infrared Camera and Multi-Object Spectrometer (NICMOS) instrument packages, recently completed and funded at 99 million dollars each. The instruments are second generation upgrades.

In order to perform the duties of this position the appellant must have a knowledge of a wide variety of contracting methods and contract types; he must be able to analyze difficult contracting issues, identify courses of action, modify contracting procedures and terms, and solve a variety of contracting problems, including significant departures from previous

approaches; he must be familiar with business practices and market conditions applicable to program/technical requirements sufficient to evaluate bid responsiveness, contractor responsibility, and/or contractor performance. This meets Level 1-7.

Although contracting methods and contract types that are characteristic of Level 1-8 typically entail planning and carrying out long-term preaward and/or postaward procurement actions, the standard does not state or imply that all positions that plan and carry out long-term contract actions should be credited at Level 1-8. It is conceivable that even the simplest contractual arrangement could be made over the long term. In the context of the standard, the term "mastery" is used deliberately and advisedly to convey the notion that contracting actions credited at Level 1-8 are limited to those that are of such exceptional difficulty and complexity that anything less than demonstrated mastery of contracting methods and contract types would be insufficient to perform the work successfully.

The examples that are used to depict knowledge and skill at Level 1-8 reinforce the concept that contracting actions at that level are of exceptional difficulty, complexity, and scope. For example, the knowledge and skills commensurate with Level 1-8 are described as: (1) mastery of the procurement functional area sufficient to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods; or (2) mastery of procurement principles and technical or program requirements to plan and manage or make decisions or recommendations that significantly affect the content, interpretation, or development of complex, long-range, or interrelated agency policies or programs concerning the management of procurement matters.

The Standard provides a postaward illustration of Level 1-8 on p. 30:

Knowledge of contract administration sufficient to monitor systems contracts that extend over several years, and cover research, development, testing, and/or production of complex equipment systems. The contracts require monitoring the performance of the prime contractor and a large number of subcontractors, negotiating forward pricing rates and claims, complex changes, and termination or contract close out.

The appellant's position meets and in some aspects exceeds Level 1-7, however, it does not fully meet Level 1-8. The most complex programs that the appellant has are not so large or complex as to involve monitoring the performance of the prime contractor and a large number of subcontractors. While the position requires knowledge of contractor's business systems and contracts cover several years, the work does not have large numbers of subcontractors, and is not new technology that involves research, development, testing, and/or production of complex equipment systems to the extent envisioned in the standard.

These contracts, though they are complex and very important, do not meet the intent of the standard that would permit the crediting of Level 1-8.

Level 1-7 is assigned. 1250 points

## Factor 2, Supervisory Controls

*This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.*

The servicing personnel office credited this factor at Level 2-4. The appellant believes Level 2-5 is appropriate because he is not subject to technical review by his first or second level supervisors. They are GS-1101-13 and 14 respectively and are not 1102 certified.

At Level 2-4, the supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee plans and carries out the assignment, such as determining the approach to be taken or methodology to be used, or developing a fact-finding plan. The employee initiates necessary coordination with technical representatives, accountants or auditors, financial staff, attorneys, other contract specialists, or field activities, both in the Government and in the contractor's organization. The employee obtains necessary information and supporting documentation, and resolves most conflicts that arise. The employee may negotiate alone, but keeps the supervisor informed of progress, potentially controversial conflicts or issues that arise, or matters that affect policy or have other far-reaching implications. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results. In some positions review is minimal with employees being delegated contracting officer authority with prescribed limited dollar amounts. As the dollar thresholds increase, requirements for formal reviews by higher authority or boards of experts are generally prescribed by agency regulations rather than by a supervisor. Such review are to assure compliance with all legal and regulatory requirements, as well as for effectiveness of procurement strategy.

While the appellant functions with a high level of technical independence he does not independently establish the objectives and overall goals of the work; nor does he unilaterally develop strategies and plans for the work. Under Factor 7, Purpose of Contacts, in the appellant's PD it states, "Assignments also involve contacts with management officials within the agency for establishing settlement objectives and/or planning negotiation strategies." If the appellant needs "technical" advice he contacts the Ball Corporation CACO in which he has technical discussions about once or twice a week, and he has access to other 1102's in the Command. It was learned during fact-finding that DoD requires that the performance evaluations of contracting personnel with obligation authority (contracting officers) must be performed within their own career program channels. The only exception will be the performance evaluation of the senior contracting official in the organization. This compares

favorably with Level 2-4.

The appellant's responsibility for carrying out his work is also comparable to Level 2-4. Within the context of broad program goals and objectives, he independently identifies more specific goals and plans and carries out the work. Corresponding to Level 2-4, he independently coordinates with other specialists such as attorneys, engineers, accountants, industrial specialists, quality assurance specialists, etc., who advise him in developing the Government's position. Consistent with Level 2-4, the appellant independently resolves most of the technical issues encountered, and may independently negotiate; however, he keeps his supervisor informed of progress, potentially controversial conflicts or issues which arise, or matters which affect policy or have other far-reaching implications. apprised of unusual or unprecedented situations that may have an impact on policy or other broad ramifications.

At Level 2-5, the supervisor provides administrative direction and makes assignments in terms of broadly-defined programs or functions, or long-range acquisition and agency objectives. Requirements frequently stem from mission or program goals and objectives, or from national, departmental, or agency policy. The employee determines the approaches and methods necessary to carry out the assignment, including the design of overall plans and strategies for the projects, in order to meet mission or program goals, requirements, and time frames. The employee independently carries out the work, including continual coordination of the various elements involved; and independently negotiates. Work products are considered technically authoritative. In some cases the employee's work is reviewed by formal review boards. Review focuses on compatibility with overall management objectives, fulfillment of program objectives, attainment of goals established in the acquisition or review plan, appropriateness of the business arrangement, and contribution to the success of the mission on both a short- and long-term basis. Recommendations for new procurement approaches or policies, or for modifications of contractual arrangement, are usually reviewed for compatibility with broad program and agency objectives, impact on agency procurement activities, economies achieved, and/or improvement in effectiveness or performance of procurement programs including those at subordinate echelons throughout the agency.

The position description(PD) of record reflects an autonomous position subject to administrative supervision only. Specifically, the PD states, "The supervisor provides administrative direction only and assures that acquisition and agency objectives are communicated to the employee. The employee independently plans and performs the full range of contract administration duties including analyzing, negotiating, settling and executing contractual agreements, issues or problems. The employee independently determines the approach and methodology needed to perform contract administration functions. Work products are of a technically authoritative nature and are in some cases reviewed by the Board of Review for compatibility with overall management objectives and fulfillment of program objectives and attainment of goals established in acquisition plan."

The appellant is assigned to the Xxxxx Team and is considered the operating level. The organization is four levels below DCMC. Although assignment of Level 2-5 is based on the nature of supervisory controls that apply to the position, and not the position's location on an organization chart, the opportunity to work at Level 2-5 is most likely to take place in an agency headquarters setting. Only in rare cases would Level 2-5 be credited to positions assigned at more than one organizational level below the headquarters of the agency.

The supervisory controls over the appellant's position do not equate to Level 2-5. Implicit in this level is responsibility for independently planning and designing all activities related to a broad program or function. Within the context of the GS-1102 occupation, a work assignment that typifies this level of autonomy might involve, e.g., initial planning, requirements definition, advanced and engineering development, testing, prototype procurement, initial production, full production, etc., that includes a range of contracting specialization's such as negotiation, cost and price analysis, and administration. (See Benchmark GS-1102-14-01.) Further, the Benchmark illustrates that positions that work under administrative direction with assignments coming in the form of broadly defined missions and agency objectives are generally delegated full authority for contractual matters involving a discrete facet of the agency mission. In contrast, the appellant's assignments are more restrictive in that they are limited to one phase of the overall acquisition process, i.e., contract administration. In summary, the intent of Level 2-5 is not merely to credit a high degree of technical independence as this would not significantly exceed Level 2-4; rather, Level 2-5 also involves a corresponding program management role through which that technical independence can be manifested. Position does not meet the full intent of Level 2-5.

Level 2-4 is assigned. 450 points

#### Factor 5, Scope and Effect

*This factor covers the relationship between the nature of the work, i.e., the purpose, breadth, and depth of the assignment, and the effect of the work products or services both within and outside the organization.*

The servicing personnel office credited this factor at Level 5-4. The appellant believes Level 5-5 is appropriate.

At Level 5-4, the purpose of the work (scope) is to provide expertise as a specialist in a functional area of contracting by furnishing advisory, planning, or reviewing services on specific problems, projects, or programs. Examples include: (1) planning, coordinating, and/or leading negotiations for a variety of complex contracts, contract modifications, or termination actions.; (2) formulating approaches to procurement problems or issues when the problems require extensive analysis of a variety of unusual conditions, questions, or issues; (3) establishing procedures for implementing procurement policies or regulations; (4)



conducting in-depth analyses of contractors' financial and management systems and facilities for ability to perform or for compliance with Government or contractual requirements; or (5) planning and conducting program evaluations of subordinate procurement activities. This position clearly meets examples 1, 2, and 4 above.

The appellant's work products affects (effect) a wide range of procurement activities; affects the timely support of other departments or agencies, e.g., NASA, U.S. Navy, U.S. Air Force; has a significant economic impact on contractors or on their respective geographic areas; or similar impact. Position meets both the scope and the effect of Level 5-4.

At Level 5-5, the purpose of the work (scope) is to resolve critical problems, or develop new approaches for use by other contract specialists, or for use in planning, negotiating, awarding, administering, and/or settling the termination of major procurements. There are several aspects of the appellant's work that meets the description of scope of work under this level. For example, the appellant resolves critical problems; administers long-term contracts, with delegated final authority to obligate funds in connection with most transactions and, serves as team leader over a group of specialists whose services and advice are used in order to arrive at a decisions. This position meets scope under this level.

The position falls short of the effect described at this level. The appellant's work products do not affect the work of other experts within or outside the agency, e.g., the development of guides or procedures for use by subordinate contracting activities; the operation and evaluation of subordinate contracting programs; the decisions of senior procurement, technical, or program officials in terms of the authoritative procurement advice provided; the economic well-being of a large corporation or subsidiary; or the well-being of substantial numbers of people, such as those employed in a major industry, or those served by a broad social, economic, health, or environmental program. Position meets scope under Level 5-5 but does not meet the examples under effect. Level 5-5 is not fully met. However, the appellant's position meets both the scope **and** effect of Level 5-4.

Level 5-4 is assigned 225 points

## SUMMARY

### FACTOR LEVEL POINTS

1. Knowledge Required by the Position 1-7 1250
2. Supervisory Controls 2-4 450
3. Guidelines 3-4 450

4. Complexity 4-5 325

5. Scope and Effect 5-4 225

6. Personal Contacts 6-3 60

7. Purpose of Contacts 7-3 120

8. Physical Demands 8-1 5

9. Work Environment 9-1 5

Total 2890

Total points of 2890 falls within the range of a GS-12, 2755-3150 points, according to the Grade Conversion Table in the GS-1102 standard.

### **DECISION**

The position remains properly classified as Contract Administrator, GS-1102-12.